

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGELICA PARKER,

Plaintiff,

-- against --

SCOTT BURSOR and
BURSOR & FISHER, P.A.,

Defendants.

Case No. 24-cv-245 (JGLC) (RFT)

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS AND STRIKE
THE COMPLAINT PURSUANT TO
FEDERAL RULES OF CIVIL
PROCEDURE 8(a), 12(b)(2), 12(b)(6)
AND 12(f)**

Filed Electronically

TO: All Counsel of Record

PLEASE TAKE NOTICE that Defendants Scott Bursor and Bursor & Fisher, P.A., by and through their undersigned counsel, Gibbons P.C. and Judd Burnstein, P.C., will move this Court before the Honorable Jessica G.L. Clarke, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, on a return date to be set by the Court, for the entry of an order (1) granting Defendants' motion to dismiss and strike the Complaint, pursuant to Federal Rules of Civil Procedure 8(a), 12(b)(2), 12(b)(6) and 12(f), in its entirety, with prejudice or, in the alternative, striking all of the allegations set forth in Appendix A to the Memorandum of Law in support of Defendants' motion and such other allegations as the Court deems appropriate; (2) sealing the Complaint in its entirety, or, in the alternative, the stricken allegations and any other allegations that the Court determines should be sealed, both temporarily pending the Court's decision on the within motion and permanently; and (3) granting Defendants such other, further and different relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendants shall rely upon Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss and Strike the Complaint Pursuant to Federal Rules of Civil Procedure 8(a), 12(b)(2), 12(b)(6) and 12(f), and Appendix A thereto; the Declaration of Christine A. Amalfe, Esq., and accompanying exhibits; and Declaration of Veronica Perez, and accompanying exhibits, all filed herewith.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is respectfully requested.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), Plaintiff's opposition papers, if any, to Defendants' Motion to Dismiss and Strike the Complaint Pursuant to Federal Rules of Civil Procedure 8(a), 12(b)(2), 12(b)(6) and 12(f) shall be due on or before fourteen (14) days after service of these Motion papers, and Defendants' reply papers, if any, shall be due on or before seven (7) days after the service of Plaintiff's opposition papers.

Dated: May 13, 2024

Respectfully submitted,

By: Christine A. Amalfe

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– and –

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